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ORDINANCE NO. 3356

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ASSUMING THE RIGHTS, POWERS, IMMUNITIES, FUNCTIONS AND OBLIGATIONS OF THE LYNNWOOD TRANSPORTATION BENEFIT DISTRICT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, on May 24, 2010, the Lynnwood City Council passed Ordinance No. 2837 (in part codified as Chapter 12.14 LMC), which created the Lynnwood Transportation Benefit District as authorized by Chapter 36.73 RCW; and

WHEREAS, effective on July 15, 2015, the Washington State Legislature enacted RCW 36.74.010, which authorizes a city that has established a transportation benefit district with boundaries coterminous with the city to assume the rights, powers, functions and obligations of the transportation benefit district, in accordance with Chapter 36.74 RCW; and

WHEREAS, the boundaries of the Lynnwood Transportation Benefit District are coterminous with the boundaries of the City of Lynnwood; and

WHEREAS, on February 10, 2020, the Lynnwood City Council adopted Resolution No. 2020-03, which declares its intent to conduct a public hearing to consider the proposed assumption of rights, powers, functions and obligations of the existing Lynnwood Transportation Benefit District, and fixes March 9, 2020 at 7:00 p.m., in the Council Chambers of the Lynnwood City Hall, as the date, time and location of the public hearing; and

WHEREAS, on March 9, 2020, at the time scheduled for the public hearing, the City Council held the public hearing and invited all interested persons to appear and be heard; and

WHEREAS, following the conclusion of the public hearing, the City Council determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions and obligations of the existing Lynnwood Transportation Benefit District;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Assumption of Lynnwood Transportation Benefit District. Pursuant to RCW 36.74.010 and 36.74.030, the City of Lynnwood hereby assumes all of the rights, powers,

1 immunities, functions and obligations of the Lynnwood Transportation Benefit District. The City
2 is hereby vested with each and every right, power, immunity, function and obligation currently
3 granted to or possessed by the Lynnwood Transportation Benefit District as of the effective
4 date of this Ordinance. The right, powers, functions, and obligations previously exercised
5 and/or performed by the governing body of the Lynnwood Transportation Benefit District are
6 hereby assumed by and transferred to the Lynnwood City Council.
7

8 **Section 2.** Abolishment of Governing Body of Transportation Benefit District. Pursuant to
9 RCW 36.74.030, the governing body of the Lynnwood Transportation Benefit District,
10 established in LMC 12.14.020 as that section existed before the effective date of this
11 Ordinance, is hereby abolished and the Lynnwood City Council is vested with all rights, powers,
12 immunities, functions and obligations otherwise vested by law in the governing body of the
13 Lynnwood Transportation Benefit District.
14

15 **Section 3.** No Existing Right Impaired. Pursuant to RCW 36.74.040, this assumption does
16 not impair or alter any existing rights acquired by the Lynnwood Transportation Benefit District
17 under Chapter 36.73 RCW or any other provision of law relating to transportation benefit
18 districts. This assumption also does not impair or alter any actions, activities or proceedings
19 validated thereunder; any civil or criminal proceedings instituted thereunder; any rule,
20 regulation or order promulgated thereunder; any administrative action taken thereunder; or
21 the validity of any act performed by the Lynnwood Transportation Benefit District, or division or
22 any officer thereof, prior to the assumption of such rights, powers, functions and obligations by
23 the City as authorized under the law.

24 **Section 4.** Rules, Regulations, Pending Business, and Contracts. Pursuant to RCW
25 36.74.050(1), all rules and regulations and all pending business before the board of the
26 Lynnwood Transportation Benefit District shall be continued and acted upon by the Lynnwood
27 City Council. In addition, pursuant to RCW 36.74.050(2), all existing contracts and obligations of
28 the Lynnwood Transportation Benefit District remain in full force and effect and must be
29 performed by the City. The assumption does not affect the validity of any official act performed
30 by any official or employee prior to the assumption authorized under the law.
31

32 **Section 5.** Records of the Lynnwood Transportation Benefit District. Pursuant to RCW
33 36.74.060(1), all reports, documents, surveys, books, records, files, papers, or other writings
34 relating to the administration of the powers, duties and functions available to the Lynnwood
35 Transportation Benefit District must be made available to the City.
36

37 **Section 6.** Funds, Credits, Appropriations, Federal Grants, or Other Assets. Pursuant to
38 Chapter 36.74.060(2), all funds, credits, or other assets held in connection with assumed
39 powers, duties and functions must be assigned to the City. Pursuant to Chapter 36.74.060(3),
40 any appropriations or federal grants made to the Lynnwood Transportation Benefit District for
41 the purpose of carrying out the rights, powers, functions and obligations authorized to be
42 assumed by the City must, on the effective date of the assumption, be credited to the City for
43 the purpose of carrying out such assumed rights, powers, functions and obligations.

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2 **Section 7.** Assumption of Indebtedness. Pursuant to RCW 36.74.070, the City assumes and
3 agrees to provide for the payment of all of the indebtedness of the Lynnwood Transportation
4 Benefit District, including the payment and retirement of outstanding general obligation and
5 revenue bonds issued by the Lynnwood Transportation Benefit District, if any.
6

7 **Section 8.** New Section. A new Section 12.14.015 is added to the Lynnwood Municipal
8 Code to read as follows:
9

10 **12.14.015 Assumption of Lynnwood Transportation Benefit District.**

11 As authorized by Chapter 36.74 RCW, from and after the effective date of the ordinance
12 codified in this section, the City of Lynnwood assumes all of the rights, powers,
13 immunities, functions and obligations of the Lynnwood Transportation Benefit District
14 previously established in this chapter. The City is hereby vested with each and every
15 right, power, immunity, function and obligation granted to or possessed by the
16 Lynnwood Transportation Benefit District under Chapter 36.73 RCW, this chapter, and
17 any other applicable law as of the effective date of the ordinance codified in this
18 section. The governing body of the Lynnwood Transportation Benefit District is
19 abolished, and the rights, powers, immunities, functions and obligations previously
20 exercised and/or performed by the governing body of the Lynnwood Transportation
21 Benefit District are vested in the City of Lynnwood City Council.
22

23 **Section 9.** Amendment. LMC 12.14.020 is amended as follows:

24 **12.14.020 Governing ~~body~~board.**

25 A. ~~The governing board of the transportation benefit district shall be the Lynnwood~~
26 ~~city council acting in an ex officio and independent capacity, which shall have the~~
27 ~~authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this~~
28 ~~chapter.~~

29
30 ~~B. The treasurer of the transportation benefit district shall be the city director of~~
31 ~~finance.~~
32

33 B. The City Council ~~board~~ shall develop a material change policy to address major
34 plan changes that affect project delivery or the ability to finance the plan, pursuant to
35 the requirements set forth in RCW 36.73.160(1).
36

37 C. The City ~~board~~ shall issue an annual report, pursuant to the requirements of
38 RCW 36.73.160(2).
39

40 **Section 10.** Amendment. LMC 12.14.030 is amended as follows:
41

42 **12.14.030 Authority ~~of~~district.**

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2 A. The City district may authorize a vehicle license tax fee up to the maximum fee
3 provided for in RCW 36.73.065.

4
5 B. When authorized by the voters pursuant to the requirements of Chapter 36.73
6 RCW, other taxes, fees, charges and tolls or increases in revenue services may be
7 assessed for the preservation, maintenance and operation of city streets.

8
9 C. The City Council board shall have and may exercise any powers provided by law
10 to fulfill the purposes of Chapter 36.73 RCW and of this chapter ~~of the district~~.

11
12 **Section 11.** Amendment. LMC 12.14.040 is amended as follows:

13
14 **12.14.040 Use of funds.**

15 The funds generated by the exercise of powers granted in Chapter 36.73 RCW or this
16 chapter transportation benefit district may be used for any purpose allowed by law
17 including to ~~operate the district and to~~ make transportation improvements that are
18 consistent with existing state, regional, and local transportation plans and necessitated
19 by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW.
20 The transportation improvements funded by these revenues~~the district~~ shall be made in
21 an effort to reduce the risk of transportation facility failure and improve safety,
22 decrease travel time, increase daily and peak period trip capacity, improve modal
23 connectivity, and preserve and maintain optimal performance of the infrastructure over
24 time to avoid expensive infrastructure replacement in the future.

25
26 **Section 12.** Repealer. LMC 12.14.050 is repealed.

27
28 **Section 13.** Severability. If any section, sentence, clause or phrase of this Ordinance should
29 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
30 unconstitutionality shall not affect the validity or constitutionality of any other section,
31 sentence, clause or phrase of this Ordinance.

32
33 **Section 14.** Publication/Effective Date. This Ordinance or a summary thereof consisting of
34 the title shall be published in the official newspaper of the City, and shall take effect and be in
35 full force five (5) days after publication.

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37 PASSED BY THE CITY COUNCIL, the 23rd day of March, 2020.

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39 APPROVED:

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42 _____
43 Nicola Smith, Mayor
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ATTEST/AUTHENTICATED:

Sonja Springer, Finance Director

APPROVED AS TO FORM:

Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NUMBER: _____